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FISCAL IMPACT STATEMENT

LS 7425
BILL NUMBER: SB 391

NOTE PREPARED: Jan 7, 2007
BILL AMENDED:

SUBJECT: Adoptions.

FIRST AUTHOR: Sen. Bray
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a court from waiving any criminal history check requirements regarding adoptions. The bill allows a court to waive: (1) the period of supervision before an adoption; and (2) the report regarding the investigation and recommendation as to the advisability of an adoption; if the prospective adoptive parent is a stepparent or grandparent of the child. The bill also requires a court to determine if a county office of Family and Children or a licensed child placing agency is to conduct the period of supervision of a child before an adoption. It permits a court to require the county office of Family and Children or a licensed child placing agency to investigate any matter related to an adoption.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Court Allowed to Waive Supervision Period for Certain Adoptions:* This bill allows a court hearing a petition for adoption of a child to waive the period of supervision if one of the petitioners is a stepparent or grandparent of the child. Under current law, the period of supervision is within the sole discretion of the court. In addition, supervision may be before or after the filing of a petition for adoption, or both.

This provision would affect the Department of Child Services (DCS), the state agency responsible for supervising children prior to and after a petition for adoption is filed. The DCS is not responsible for supervising children adopted through licensed child placing agencies. The DCS reports that children are typically supervised for a minimum of six months after placement with their adoptive family. An adoption petition may be filed at any time after placement is made. This provision would reduce the workload of family case managers employed by the DCS. The number of children adopted by a grandparent or stepparent is not known; However, it is likely that few children adopted through the DCS are adopted by a stepparent.

Actual reductions in workload are indeterminable and would be dependent on the number of children adopted by a stepparent or grandparent and the length of time required by the court for supervision of an individual child. [Note: Supervision administered prior to the filing of an adoption petition would still be conducted since the court does not become involved until after the petition is filed.]

Court Allowed to Waive Adoption Report for Certain Adoptions: Current law requires each appropriate agency to submit to the court a written report of and the agency's investigation recommendation as to the advisability of the adoption not more than 60 days from the date of reference of a petition for adoption.

This bill modifies the aforementioned statutory requirement and allows the court to waive the report if the: (1) child is being adopted by a grandparent or stepparent, (2) period of supervision is waived, and (3) court requires either a county office of DCS or a licensed child placing agency to investigate any matter related to an adoption and report to the court the results of the investigation.

This provision could result in three scenarios:

(A) Should the court waive the report and require the local office of DCS to investigate the adoption and report to the court, no change in workload or expenditures would occur.

(B) Should the court waive a report for which the DCS would under current law be responsible and require a licensed child placing agency to investigate the adoption and report to the court, the DCS family case managers would experience a reduction in workload.

The bill is silent as to whether or not the DCS or the county would be required to reimburse a licensed child placing agency for conducting an investigation and filing a report under this scenario. The DCS is responsible for paying the salary of family case managers who currently conduct investigations; the county is responsible for paying all costs associated with services. Should reimbursement be required, either the DCS or the county would experience an increase in expenditures.

(C) Should the court waive a report for which a licensed child placing agency would under current law be responsible and require the DCS to investigate the adoption and report to the court, the workload of the DCS family case managers would increase.

The bill is silent as to whether or not the DCS or the county would be allowed to charge a fee to a licensed child placing agency for conducting an investigation and filing a report under this scenario. Should a fee be charged, either the DCS or the county would experience an increase in revenues.

Explanation of State Revenues: See *Explanation of State Expenditures*.

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues: See *Explanation of State Expenditures*.

State Agencies Affected: Department of Child Services.

Local Agencies Affected: Local office of Department of Child Services; Courts.

Information Sources: Department of Child Services.

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